

EXHIBIT 1

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	IN THE FIRST JUDICIAL CIRCUIT
COUNTY OF ORANGEBURG	)	CASE NO. 2020-CP-38-_____

Charles Marsh and Deborah Marsh,)	
)	
Plaintiffs,)	
	)	SUMMONS
vs.	)	(Negligence – Automobile Accident)
)	
James Johnstone and PV Holdings, LLC,	)	JURY TRIAL DEMANDED
d/b/a Budget Rentals,)	
)	
Defendants.)	
_____)	

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this Complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the Complaint, judgment by default will be rendered against you for the relief demanded in the Complaint.

MCGOWAN HOOD & FELDER, LLC

S/Daniel W. Luginbill
 Daniel W. Luginbill SC Bar No. 68525
 Julia M. Flumian SC Bar No. 77617
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Clyde C. Dean, Jr.
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Attorneys for the Plaintiff

October 23, 2020
Mt. Pleasant, South Carolina

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
	)	FIRST JUDICIAL CIRCUIT
COUNTY OF ORANGEBURG	)	CASE NO. 2020-CP-38-_____
 Charles Marsh and Deborah Marsh,)	
)	
Plaintiffs,)	
	)	COMPLAINT
vs.	)	(Negligence – Automobile Accident)
)	
James Johnstone and PV Holdings, LLC,	)	JURY TRIAL DEMANDED
d/b/a Budget Rentals,)	
)	
Defendants.)	
_____)	

TO THE DEFENDANTS ABOVE NAMED:

The Plaintiffs, complaining of the Defendants, will show unto the Court as follows:

1. Plaintiffs are citizens and residents of the County of Orangeburg, State of South Carolina.
2. Defendant James Johnstone, (hereinafter, Johnstone) upon information and belief, is a citizen and resident of Ontario, Canada.
3. Defendant PV Holdings, LLC, d/b/a Budget Rentals (hereinafter, Budget), is a corporation that maintains offices and transacts business in a state other than South Carolina.
4. At all times mentioned herein: Cleveland Street, S.C. Secondary Road 105, is a road that runs generally in a easterly/westerly direction located in the County of Orangeburg, State of South Carolina; Tee Vee Road, S.C. Secondary 199 is a roadway that runs in a northerly/southerly direction located in the same County and State; and “intersection” is the intersection of Cleveland Street and Tee Vee Road.

5. On October 15, 2018, Plaintiffs were traveling north on Tee Vee Road. At all times hereto, Plaintiff Charles Marsh was driving in a lawful manner and was obeying all traffic laws.

6. Defendant Johnstone was traveling east on Cleveland Street, at the intersection of Tee Vee Road when he failed to stop at a clearly posted and visible stop sign restricting traffic from Cleveland Street onto Tee Vee Road.

7. As a result of Defendant Johnstone's failure to yield, the vehicles collided, and Plaintiff's vehicle was caused to leave the roadway and hit a pole before overturning.

8. As a result of the aforesaid, Plaintiffs suffered severe bodily injuries, were given emergency medical treatment, received additional medical care and treatment during their recovery, and will likely need additional medical care in the future.

FOR A FIRST CAUSE OF ACTION
(Negligence, Gross Negligence, Negligence *Per Se* as to Defendant Johnstone)

9. Plaintiff reincorporates all paragraphs above as if fully stated herein.

10. Defendant Johnstone was negligent, grossly negligent, negligent *per se*, careless, willful, wanton in one or more of the following particulars, to wit:

- a. In traveling at unsafe rates of speed;
- b. In failing to maintain a proper lookout;
- c. In failing to maintain proper control of the vehicle;
- d. In operating the vehicle in an unlawful and reckless manner;
- e. In operating the vehicle on the highway without due regard for the rights of others, especially the Plaintiff;
- f. In failing to yield the right of way;
- g. In choosing to be distracted while driving;

- h. In violating the traffic laws of South Carolina by failing to come to a stop at a clearly posted intersection;
- i. In failing to exercise due care under the circumstances then and there prevailing to avoid injury and damage to others, especially the Plaintiff herein; and,
- j. In such other particulars as may be shown at trial.

All of the above in violation of the common and statutory laws of the state of South Carolina and the rules and regulations promulgated by the South Carolina Department of Transportation.

11. As a direct and proximate result of the aforesaid negligence, carelessness, recklessness, willfulness, and wantonness of Defendant Johnstone, as set forth above, Plaintiffs sustained injuries including, pain and suffering, past, present and future; medical expenses, past, present, and future; shock, embarrassment, and mental distress, past, present, and future; substantial property damage; all to the Plaintiffs' actual and punitive damages in an amount to be determined by the triers of fact.

FOR A SECOND CAUSE OF ACTION
(Negligent Entrustment as to Defendant Budget)

12. Plaintiff reincorporates all paragraphs above as if fully stated herein.
13. Budget provided for compensation a 2018 Nissan sedan to Defendant Johnstone to use without restriction on the highways of Orangeburg County.
14. Budget, upon information and belief, failed to inquire into the driving history, medical history, or regional familiarity of Defendant Johnstone prior to providing a vehicle for his use on the highways of Orangeburg County.
15. Budget, upon information and belief, owes a duty to the public in general, and these Plaintiffs in particular, to ensure its vehicles are not provide to drivers who lack the necessary skill,

training, experience, physical condition or mental conditions to operate said vehicle in a safe manner in accordance with the laws of the state of South Carolina.

16. Budget was negligent, grossly negligent, reckless, willful and wanton in the following particulars, to wit;

- a. In failing to investigate the driving history of Defendant Johnstone;
- b. In failing to investigate the physical health of Defendant Johnstone;
- c. In failing to investigate the mental health of Defendant Johnstone;
- d. In failing to ensure that Defendant Johnston was aware of and capable of complying with, the statutes and regulations concerning the operation of motor vehicles on the roadways in the state of South Carolina; and,
- e. In such other and further ways as may be determined during the prosecution of this case.

WHEREFORE, the Plaintiff prays for a judgment against these Defendants for actual and punitive damages in an amount to be determined by the triers of fact.

MCGOWAN HOOD & FELDER, LLC

S/Daniel W. Luginbill

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Attorneys for the Plaintiff

October 23, 2020
Mt. Pleasant, South Carolina

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF ORANGEBURG	)	CASE NO. 2018-CP-38-01202

Charles Marsh and Deborah Marsh,)
)
Plaintiffs,)
)
vs.)
)
James Johnstone and PV Holdings, LLC,)
d/b/a Budget Rentals,)
)
Defendants.)

PROOF OF SERVICE

PERSONALLY APPEARED before me, Caroline L. Lankford-Beasley, who being duly sworn, states that she is the paralegal to Julia M. Flumian, Esquire, Attorney at Law; that on the 2nd day of December, 2020, at Mt. Pleasant, South Carolina, via United Parcel Service, she sent a filed copy of the Summons and Complaint, on behalf of the Plaintiffs in the within action, addressed to the Defendant PV Holdings, LLC at 300 Center Point Dr., Virginia Beach, VA 23462, in accordance with Rule 4(d)(9) of the South Carolina Rules of Civil Procedure, and received in response thereto the attached Delivery Notification.

Caroline Lankford-Beasley
Caroline Lankford-Beasley

SWORN to before me this
8th day of December, 2020.

Julia M. Flumian
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 9/21/21

12/7/2020

Tracking | UPS - United States

ELECTRONICALLY FILED - 2020 Dec 08 11:50 AM - ORANGEBURG - COMMON PLEAS - CASE#2020CP3801202

Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number

1ZFE58221298939868

Weight

0.10 LBS

Service

UPS 3 Day Select®

Shipped / Billed On

12/02/2020

Delivered On

12/04/2020 11:10 A.M.

Delivered To

VIRGINIA BEACH, VA, US

Received By

JAMES

Left At

Dock

Thank you for giving us this opportunity to serve you. Details are only available for shipments delivered within the last 120 days. Please print for your records if you require this information after 120 days.

Sincerely,

UPS

Tracking results provided by UPS: 12/07/2020 9:26 A.M. EST

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF ORANGEBURG	)	CASE NO. 2020-CP-38-1202
Charles Marsh and Deborah Marsh,)	
	)	NOTICE OF MOTION AND
Plaintiffs,	)	MOTION TO EXTEND TIME
	)	FOR SERVICE OF PROCESS
vs.)	
)	
James Johnstone and PV Holdings, LLC,)	
d/b/a Budget Rentals,)	
)	
Defendants.)	
_____)	

YOU WILL PLEASE TAKE NOTICE, that Plaintiffs, by and through their undersigned counsel of record, will move before this Honorable Court, pursuant to Rule 6(b) SCRCP, ten (10) days after the date set forth below or as soon as counsel may be heard for an extension of time to effect service on Defendant James Johnstone for good cause, as set forth more fully below:

1. This action was filed on October 23, 2020.
2. Plaintiffs filed their Proof of Service as to Defendant PV Holdings on December 8, 2020.
3. Upon information and belief, and after reasonable investigation, Defendant James Johnstone is a citizen and resident of Dublin, Ireland.
4. Upon information and belief, Ireland is a signatory nation to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (Hereinafter, The Hague Convention).
5. Plaintiffs initiated process for Defendant Johnstone through an international service provider in November of 2020.

6. Upon information and belief, service through The Hague is currently taking upwards of 4 months due to the ongoing effects of Covid-19 worldwide.
7. Plaintiffs anticipate service of the Summons and Complaint on Defendant Johnstone may be delayed beyond the 120-day limit set forth in SCRCF Rule 3(a)(2) due to the ongoing effects of Covid-19 around the world.
8. Plaintiffs assert an extension of time allowing for an additional 120 days to complete service would not result in undue prejudice to any party.

MCGOWAN HOOD & FELDER, LLC

S/Daniel W. Luginbill

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Orangeburg, SC 29116
Email: cdean5091@yahoo.com

Attorneys for the Plaintiff

February 22, 2021
Mt. Pleasant, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF ORANGEBURG	)	CASE NO. 2020-CP-38-1202

Charles Marsh and Deborah Marsh,)	
	)	ORDER
Plaintiffs,)	
)	
vs.)	
)	
James Johnstone and PV Holdings, LLC,)	
d/b/a Budget Rentals,)	
)	
Defendants.)	
_____)	

This matter is before me on Motion of the Plaintiffs, pursuant to Rule 6(b), SCRCP seeking an enlargement of time to effect service on the Defendant, James Johnson. After reviewing the file and the Plaintiff's Motion, I make the find as follows:

1. This action was filed on October 23, 2020.
2. Plaintiffs filed their Proof of Service as to Defendant PV Holdings on December 8, 2020.
3. Defendant James Johnstone is most likely a citizen and resident of Dublin, Ireland.
4. Ireland is a signatory nation to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (Hereinafter, The Hague Convention).
5. Plaintiffs initiated process for Defendant Johnstone through an international service provider in November of 2020.
6. The court finds the Plaintiff's averment that The Hague Convention is currently taking upwards of 4 months due to the ongoing effects of Covid-19 worldwide to be reasonable and credible.

7. The Court finds that an extension of time allowing for an additional 120 days to complete service would not result in undue prejudice to any party.

WHEREFORE, Plaintiff's Motion to Enlarge the Time for Service pursuant to Rule (6)b, SCRCF, for an additional 120 days is GRANTED.

Edgar W. Dickson
Chief Administrative Judge
Second Judicial Circuit

February __, 2021
Orangeburg, South Carolina



Orangeburg Common Pleas

Case Caption: Charles Marsh , plaintiff, et al VS James Johnstone , defendant, et al

Case Number: 2020CP3801202

Type: Order/Other

So Ordered

s/ Edgar W. Dickson #2153

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF ORANGEBURG	)	CASE NO. 2020-CP-38-01202
)	
Charles Marsh and Deborah Marsh,)	
)	
Plaintiffs,	)	REQUEST FOR ENTRY OF DEFAULT
	)	JUDGEMENT
vs.)	
)	
James Johnstone and PV Holdings, LLC,)	
d/b/a Budget Rentals,)	
)	
Defendants.)	
)	

NOW COMES Plaintiffs Charles Marsh and Deborah Marsh (“Plaintiffs”), by and through their undersigned counsel, and respectfully request an entry of default judgment pursuant to Rule 55(a), SCRCF, against Defendant PV Holdings, LLC, d/b/a Budget Rentals (“Defendant”) in the above action.

1. Plaintiffs filed their Complaint on October 23, 2020.
2. As detailed in the attached Proof of Service, Defendant received service of the Summons and Complaint on December 2, 2020 (see United Parcel Service Proof of Delivery attached to Proof of Service).
3. Because a Defendant must answer or otherwise plead within 30 days of being served, the deadline for the Defendant to answer was January 1, 2021.
4. Defendant has failed to timely answer.
5. “When a party against whom judgement for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.” Rule 55(a), SCRCF.

Wherefore, Plaintiffs Charles Marsh and Deborah Marsh request that the Clerk enter the default of Defendant PV Holdings, LLC d/b/a Budget Rentals.

MCGOWAN HOOD & FELDER, LLC

S/Daniel W. Luginbill

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Julia M. Flumian SC Bar No. 77617

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Dean Law Firm, LLC

Clyde C. Dean, Jr.

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Attorneys for the Plaintiffs

March 10, 2021

Mt. Pleasant, South Carolina

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF ORANGEBURG	)	CASE NO. 2018-CP-38-01202

Charles Marsh and Deborah Marsh,)
)
Plaintiffs,)
)
vs.)
)
James Johnstone and PV Holdings, LLC,)
d/b/a Budget Rentals,)
)
Defendants.)

PROOF OF SERVICE

PERSONALLY APPEARED before me, Caroline L. Lankford-Beasley, who being duly sworn, states that she is the paralegal to Julia M. Flumian, Esquire, Attorney at Law; that on the 2nd day of December, 2020, at Mt. Pleasant, South Carolina, via United Parcel Service, she sent a filed copy of the Summons and Complaint, on behalf of the Plaintiffs in the within action, addressed to the Defendant PV Holdings, LLC at 300 Center Point Dr., Virginia Beach, VA 23462, in accordance with Rule 4(d)(9) of the South Carolina Rules of Civil Procedure, and received in response thereto the attached Delivery Notification.

Caroline Lankford-Beasley
Caroline Lankford-Beasley

SWORN to before me this
8th day of December, 2020.

[Signature]
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 9/21/21

12/7/2020

Tracking | UPS - United States

ELECTRONICALLY FILED - 2020 Dec 08 11:50 AM - ORANGEBURG - COMMON PLEAS - CASE#2020CP3801202
ELECTRONICALLY FILED - 2021 Mar 10 1:32 PM - ORANGEBURG - COMMON PLEAS - CASE#2020CP3801202

Proof of Delivery

Dear Customer,

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Tracking Number

1ZFE58221298939868

Weight

0.10 LBS

Service

UPS 3 Day Select®

Shipped / Billed On

12/02/2020

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Delivered To

VIRGINIA BEACH, VA, US

Received By

JAMES

Left At

Dock

Thank you for giving us this opportunity to serve you. Details are only available for shipments delivered within the last 120 days. Please print for your records if you require this information after 120 days.

Sincerely,

UPS

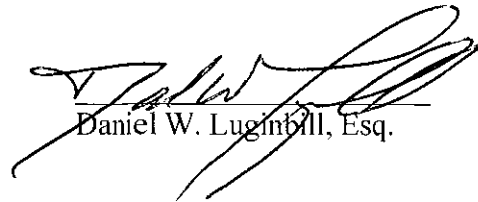
Tracking results provided by UPS: 12/07/2020 9:26 A.M. EST

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF ORANGEBURG	)	CASE NO. 2020-CP-38-01202
)	
Charles Marsh and Deborah Marsh,)	
	)	AFFIDAVIT OF DANIEL
Plaintiffs,	)	W. LUGINBILL, ESQ.
)	
vs.)	
)	
James Johnstone and PV Holdings, LLC,)	
d/b/a Budget Rentals,)	
)	
Defendants.)	
_____)	

The Affiant, Daniel W. Luginbill, Esquire, having been duly sworn testifies as follows:

1. I am over 18 years of age and legally competent.
2. I am one of the attorneys representing the Plaintiffs in this action.
3. Plaintiffs filed their Complaint on October 23, 2020.
4. As detailed in the Proof of Service, Defendant received service of the Summons and Complaint on December 2, 2020 (see United Parcel Service Proof of Delivery attached to Proof of Service).
5. Because a Defendant must answer or otherwise plead within 30 days of being served, the deadline for the Defendant to answer was January 1, 2021.
6. I granted a 30-day extension to counsel for Defendant on February 1, 2021.
7. Defendant has failed to timely answer.

Signature Page to Follow



Daniel W. Luginbill, Esq.

Sworn and subscribed before me
This 10th day of March, 2021.

Caroline Penhford
Notary Public in the State of South Carolina

My commission expires: 10/20/26